

ANALYSIS

This ordinance amends Title 8 – Consumer Protection and Business Regulations relating to fees and fee category definitions for inspections conducted by the Department of Public Health by:

- Creating new and modifying existing Title 8 definitions relating to public health fees and business categories to make them consistent with definitions found in current State laws and regulations;
- Creating new Title 8 public health license, permit, and service fees pursuant to recently adopted State laws and regulations; and
- Modifying existing Title 8 public health license, permit, and service fees to reflect technical and non-substantive changes.

JOHN F. KRATTLI
County Counsel

By 

GRACE V. CHANG
Principal Deputy County Counsel
Health Services Division

GVC:vn

Requested: 5/10/13
Revised: 7/02/13

ORDINANCE NO. 2013-0025

An ordinance amending Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code, relating to fees and fee category definitions for inspections conducted by the Department of Public Health.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.063 is hereby deleted in its entirety:

~~8.04.063 – Boarding home.~~

~~"Boarding home" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in Section 1250 of the Health and Safety Code and except any mental or alcoholic institution licensed by the state of California), used or intended to be used as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, with or without compensation and with or without meals, for five or more persons who are unrelated to the operator. "Boarding home" includes, but is not limited to, a rooming house, home for the aged, sober living facility, boarding house, lodging house, and bed and breakfast facility.~~

SECTION 2. Section 8.04.060 is hereby added to read as follows:

8.04.060 - Boarding home.

"Boarding home" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in Section 1250 of the Health and Safety Code and except any mental or alcoholic institution licensed by the state of California), used or intended to be used as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, with or without compensation and with

or without meals, for five or more persons who are unrelated to the operator. "Boarding home" includes, but is not limited to, a rooming house, home for the aged, sober living facility, boarding house, lodging house, and bed and breakfast facility.

SECTION 3. Section 8.04.063 is hereby added to read as follows:

8.04.063 – Body art bloodborne pathogens exposure control training approval.

"Body art bloodborne pathogens exposure control training approval" means the triennial review, audit, and approval of a training provider's Body Art Bloodborne Pathogens Exposure Control Training evidencing its compliance with the criteria in California Health and Safety Code section 119307.

SECTION 4. Section 8.04.087 is hereby amended to read as follows:

8.04.087 – Community event.

"Community event" means an event which is of a public, civic, political, or educational nature, including state and county fairs, city festivals, circuses, carnivals, certified farmers markets and other public gathering events approved by the County health officer.

SECTION 5. Section 8.04.95 is hereby added to read as follows:

8.04.95 – Cottage food operation.

"Cottage food operation" means an enterprise within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers. The enterprise shall not have more than one full-time equivalent cottage

food employee, not including a family or household member of the cottage food operator, and shall not have gross annual sales that exceed the amounts specified in this section. In 2013, the enterprise shall not have more than thirty-five thousand dollars (\$35,000) in gross annual sales in the calendar year. In 2014, the enterprise shall not have more than forty-five thousand dollars (\$45,000) in gross annual sales in the calendar year. Commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year.

SECTION 6. Section 8.04.96 is hereby added to read as follows:

8.04.96 – Cottage food operation – Class A.

"Cottage food operation, Class A" means a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales as described under the definition of "direct sale," as set forth in section 8.04.106.

SECTION 7. Section 8.04.97 is hereby added to read as follows:

8.04.97 – Cottage food operation – Class B.

"Cottage food operation, Class B" means a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues including those described within the definition of "direct sale," as set forth in section 8.04.106, from offsite events, or from a third-party retail food facility described under the definition of "indirect sale," as set forth in section 8.04.272.

SECTION 8. Section 8.04.106 is hereby added to read as follows:

8.04.106 – Direct sale.

"Direct sale" means a transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

SECTION 9. Section 8.04.172 is hereby added to read as follows:

8.04.172 – Food processing establishment, low risk.

"Food processing establishment, low risk" means a food processing establishment, as defined in Section 8.04.170, containing less than six thousand (6,000) square feet, that does not process as a final product potentially hazardous food, as defined by law.

SECTION 10. Section 8.04.272 is hereby added to read as follows:

8.04.272 – Indirect sale.

"Indirect sale" means an interaction between a cottage food operation operator, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to California Health and Safety Code section 114381. Indirect

sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

SECTION 11. Section 8.04.316 is hereby added to read as follows:

8.04.316 – Motion picture catering operation.

A "motion picture catering operation" shall consist of a mobile food facility, no more than two mobile storage vehicles and outdoor food preparation and service areas, where the operator is under contract to operate at a licensed film studio or at a site with a permit for filming on location, which permit is issued by the appropriate city or the county.

SECTION 12. Section 8.04.442 is hereby amended to read as follows:

8.04.442 - Swimming pool, low risk/limited use

"Swimming pool, low risk/limited use," means a swimming pool, as defined in Section 8.04.440, located at multiple family dwellings with four (4) or more living units, mobile home parks, ~~and~~ community pools that serve a collection of single family dwellings, and pools operated for six (6) months or less during the year that are kept empty when not in operation.

SECTION 13. Section 8.04.720 is hereby amended to read as follows:

8.04.720 - Fee schedule.

| Business Classification | Permit Fee |
|-------------------------|------------|
| Animal food market | \$175.00 |
| Animal keeper: | |

| | |
|-------------------------------------|---------------|
| Category I | 454.00 |
| Category II | 562.00 |
| Category III | 616.00 |
| Boarding home: | |
| 7 to 15 persons | 508.00 |
| 16 to 50 persons | 616.00 |
| 51 or more persons | 681.00 |
| Body art facility: | |
| 1 to 3 practitioners | 368.00 |
| 4 or more practitioners | 443.00 |
| <u>Chargeable re-inspection</u> | <u>141.00</u> |
| Caterer: | |
| 0 to 999 square feet | 1,895.00 |
| 1,000 to 1,999 square feet | 2,069.00 |
| 2,000 or more square feet | 2,624.00 |
| Certified farmers' markets sponsor: | |
| 1 to 20 certified producers | 187.00 |
| 21 or more certified producers | 281.00 |

| | |
|---|---------------|
| Children's camp | 671.00 |
| Children's day camp | 865.00 |
| Commercial sex venue | 1,088.00 |
| Commercial laundry: | |
| Less than 4,000 square feet | 260.00 |
| More than 4,000 square feet | 671.00 |
| <u>Cottage food operation, Class B</u> | <u>254.00</u> |
| Fertilizer manufacturer | 1,557.00 |
| Food demonstrator | 379.00 |
| Food facility or food establishment re-inspection | 126.00 |
| Food market, retail: | |
| 1 to 1,999 square feet—low risk | 251.00 |
| 1 to 1,999 square feet—moderate risk | 629.00 |
| 1 to 1,999 square feet—high risk | 1,003.00 |
| 2,000 or more square feet—low risk | 337.00 |
| 2,000 or more square feet—moderate risk | 719.00 |
| 2,000 or more square feet—high risk | 1,166.00 |
| Food market, wholesale | 856.00 |

| | |
|---|---------------|
| Food market complex, wholesale | 1,250.00 |
| Food processing establishment: | |
| <u>Low risk</u> | <u>955.00</u> |
| Less than 2,000 square feet of food preparation | 2,000.00 |
| 2,000 to 5,999 square feet of food preparation | 2,354.00 |
| 6,000 square feet or more of food preparation | 2,624.00 |
| Reinspection—all sizes | 174.00 |
| Food salvager | 1,817.00 |
| Food vehicle: | |
| Food vehicle, independent delivery | 110.00 |
| Mobile food facility—food cart, low risk | 342.00 |
| Mobile food facility—food cart, high risk | 671.00 |
| Mobile food facility—food truck, low risk | 602.00 |
| Mobile food facility—food truck, high risk | 787.00 |
| Food vehicle commissary: | |
| 0 to 10 vehicles | 498.00 |
| 11 or more vehicles | 567.00 |
| Food vehicle storage facility | 332.00 |

| | |
|--|--------|
| Food vehicle cleaning and storage facility | 366.00 |
| Food warehouse: | |
| 1 to 4,999 square feet | 352.00 |
| 5,000 or more square feet | 387.00 |
| Garment manufacturing establishment: | |
| Up to 1,000 square feet | 519.00 |
| 1,001 to 4,999 square feet | 584.00 |
| 5,000 to 9,999 square feet | 606.00 |
| 10,000 to 19,999 square feet | 627.00 |
| More than 20,000 square feet | 692.00 |
| Garment manufacturing complex | 671.00 |
| Hotel or motel: | |
| 6 to 10 rooms | 433.00 |
| 11 to 20 rooms | 433.00 |
| 21 to 50 rooms | 530.00 |
| 51 to 100 rooms | 552.00 |
| 101 rooms and over | 649.00 |
| Laundry (self-service): | |

| | |
|---|-----------------|
| Less than 4,000 square feet of work rooms | 162.00 |
| 4,000 square feet or more of work rooms | 221.00 |
| <u>Motion picture catering operation</u> | <u>1,009.00</u> |
| Multiple-dwelling units: | |
| Apartments—5 to 10 units | 299.00 |
| Apartments—11 to 20 units | 309.00 |
| Apartments—21 to 50 units | 368.00 |
| Apartments—51 to 100 units | 394.00 |
| Apartments—101+ units | 417.00 |
| Condominiums—5 to 10 units | 110.00 |
| Condominiums—11 to 20 units | 120.00 |
| Condominiums—21 to 50 units | 133.00 |
| Condominiums—51 to 100 units | 194.00 |
| Condominiums—101 or more units | 284.00 |
| Personal hawker | 195.00 |
| Private boarding school | 649.00 |
| Private school cafeteria | 476.00 |
| Recycled water: | |

| | |
|--|----------|
| Inspection | 260.00 |
| Use site registration | 65.00 |
| Residential hotel/single room occupancy: | |
| 6 to 10 units | 433.00 |
| 11 to 20 units | 433.00 |
| 21 to 50 units | 530.00 |
| 51 to 100 units | 552.00 |
| 101 or more units | 649.00 |
| Restaurant: | |
| 0 to 30 seats—low risk | 277.00 |
| 0 to 30 seats—moderate risk | 625.00 |
| 0 to 30 seats—high risk | 1,049.00 |
| 31 to 60 seats—low risk | 299.00 |
| 31 to 60 seats—moderate risk | 663.00 |
| 31 to 60 seats—high risk | 1,138.00 |
| 61 to 150 seats—low risk | 322.00 |
| 61 to 150 seats—moderate risk | 729.00 |
| 61 to 150 seats—high risk | 1,196.00 |

| | |
|--|----------|
| 151 seats or more—low risk | 348.00 |
| 151 seats or more—moderate risk | 810.00 |
| 151 seats or more—high risk | 1,250.00 |
| (In computing drive-in restaurant seating capacity, each customer parking space shall be calculated as equivalent to a seating capacity of two. Notwithstanding any of the foregoing, when the restaurant is a snack bar or refreshment stand on the premises of a walk-in or drive-in theater, as set forth in Section 8.04.400 of this chapter, the fee shall be equivalent to that imposed on a restaurant of less than thirty (30) seats.) | |
| Senior feeding site | 314.00 |
| Septic tank, cesspool, chemical toilet, or seepage—pit cleaning vehicle | 182.00 |
| Swap meet prepackaged food booth | 158.00 |
| Swimming pool or public swimming area: | |
| High risk: | |
| First pool at location | 876.00 |
| Each additional pool at the same location | 454.00 |
| Low risk: | |
| First pool at location | 238.00 |
| Each additional pool at the same location | 141.00 |

| | |
|--|--------------|
| Moderate risk: | |
| First pool at location | 584.00 |
| Each additional pool at the same location | 303.00 |
| Theater (including drive-in) | 234.00 |
| Tobacco retail license fee | 235.00 |
| Toilet rental agency | 476.00 |
| Vending machines: | 62.00 |
| <u>1-3 vending machines</u> | <u>62.00</u> |
| <u>Each additional machine</u> | <u>23.00</u> |
| Water systems: | |
| 15 to 24 service connections | 1,103.00 |
| 25 to 99 service connections | 1,233.00 |
| 100 to 199 service connections | 1,363.00 |
| Local small water system (1 to 4 service connections) | 714.00 |
| State small water system (5 to 14 service connections) | 844.00 |
| Non-community water system non-transient | 844.00 |
| Non-community water system transient | 844.00 |
| Wiping rag business | 714.00 |

SECTION 14. Section 8.04.725 is hereby amended to read as follows:

8.04.725 - Schedule of plan check fees.

The Schedule of Plan Check fees to be paid at the time plans are submitted to the County health officer shall be as follows:

| Business Classification | Plan Check Fees |
|--------------------------------------|-----------------|
| Body art facility: | 990.00 |
| <u>Permanent cosmetics</u> | <u>298.00</u> |
| <u>Remodel</u> | <u>298.00</u> |
| <u>Tattooing, Piercing, Branding</u> | <u>494.00</u> |
| Mobile body art facility | 990.00 |
| Cross-connection | 1,557.00 |
| Food facility remodel, | |
| 300 square feet or less | 274.00 |
| Food market, retail: | |
| 25 to 50 square feet | 746.00 |
| 51 to 1,999 square feet | 973.00 |
| 2,000 to 5,999 square feet | 1,071.00 |
| 6,000 to 19,999 square feet | 1,363.00 |

| | |
|--|----------|
| 20,000 or more square feet | 1,655.00 |
| Food market, wholesale | 1,304.00 |
| Food market complex, wholesale | 2,012.00 |
| Food processing establishment: | |
| 1 to 1,999 square feet | 1,525.00 |
| 2,000 to 5,999 square feet | 1,882.00 |
| 6,000 or more square feet | 2,249.00 |
| Food salvager | 464.00 |
| Food vehicle, retail | 649.00 |
| Food vehicle commissary | 692.00 |
| Food vehicle storage facility | 175.00 |
| Food vehicle cleaning and storage facility | 175.00 |
| Food warehouse: | |
| 0 to 500 square feet | 746.00 |
| 501 to 4,999 square feet | 876.00 |
| 5,000 to 9,999 square feet | 1,006.00 |
| 10,000 or more square feet | 1,103.00 |
| Radiation health: | |

| | |
|---|----------|
| Dental | 357.00 |
| Other | 699.00 |
| Restaurant: | |
| Less than 500 square feet | 908.00 |
| 500 to 1,999 square feet | 1,330.00 |
| 2,000 to 3,999 square feet | 1,622.00 |
| 4,000 to 9,999 square feet | 1,979.00 |
| 10,000 or more square feet | 2,368.00 |
| Swimming pool, public—new | 1,038.00 |
| Swimming pool, public—major renovation | 389.00 |
| Swimming pool, public—minor renovation | 130.00 |
| Swimming pool, public—standard renovation | 260.00 |
| Water systems: | |
| Community water systems (new or revised or ownership change) | 1,298.00 |
| Non-community water system (new or revised or ownership change) | 1,038.00 |

SECTION 15. Section 8.04.728 is hereby amended to read as follows:

8.04.728 - Service charges—Basis—Payment.

...

F. Following is the Schedule of Service Charges for services provided by the County health officer. Failure to pay said fees constitutes a violation of this section and may be prosecuted as such.

| | |
|--|---------------------|
| Backflow prevention assembly (each): | \$20.00 |
| Backflow prevention device tester: | |
| Biennial certification examination tester fee | 296.00 |
| Listing of certified backflow prevention device testers | 240.00 |
| Body art facility, temporary | 130.00 |
| Body art practitioner: | |
| Annual certificate of registration | 47.00 |
| Body art temporary event promoter | 1,426.00 |
| <u>Body art:</u> | |
| <u>Bloodborne pathogens exposure control training approval</u> | <u>434.00</u> |
| <u>Practitioner annual certificate of registration</u> | <u>47.00</u> |
| <u>Temporary event promoter</u> | <u>1,426.00</u> |
| <u>Temporary facility</u> | <u>130.00</u> |
| Coastal Commission—Approval in concept | 392.00 |

| | |
|---|---------------|
| Community event (a separate permit is required for each event and each location): | |
| Community event organizer | 311.00 |
| Temporary food facility—demonstrator | 51.00 |
| Temporary food facility—prepackaged | 71.00 |
| Temporary food facility—prepackaged with food sampling | 101.00 |
| Temporary food facility—food preparation | 160.00 |
| Temporary food booth at single location-Annual, food preparation | 441.00 |
| Temporary food booth at single location-Annual, Prepackaged | 143.00 |
| Temporary food booth at single location-Annual, Prepackaged with food sampling | 182.00 |
| <u>Cottage food operation:</u> | |
| <u>Class A, annual registration</u> | <u>103.00</u> |
| <u>Complaint investigation</u> | <u>184.00</u> |
| Entomology: | |
| Specimen identification | 41.00 |

| | | |
|---|--|---------------------------------|
| Massage parlor: | | |
| Massage parlor inspection | | 175.00 |
| Mountain cabin site: | | |
| County health officer inspection (per United States Forest Service requirements) | | Standard Billing Hourly Rate |
| Non-diagnostic laboratories: | | |
| Annual fee | | 150.00 |
| Additional fee site | | 48.00 |
| Additional diagnostic test fee | | 144.00 |
| Owner initiated inspection: | | |
| a. Restaurant—low risk | | 287.00 |
| b. Restaurant—moderate risk | | 340.00 |
| c. Restaurant—high risk, Caterer, or Mobile Food Facility, or <u>Motion Picture Catering Operation</u> | | 383.00 |
| d. Food market retail—low risk | | 250.00 |
| e. Food market retail—moderate risk | | 312.00 |
| f. Food market retail—high risk | | 333.00 |
| Private sewage disposal system: | | |

| | |
|---|--------|
| County health officer inspection (per VAFHA requirements) | 365.00 |
| County health officer permit (per Title 28, Los Angeles County Code, Ordinance 2269, Section 1109): | |
| New system | 389.00 |
| Existing system | 454.00 |
| Public health license waiver letter request (garment industry) | 249.00 |
| Public/state water system enforcement activities: | |
| Public water system administrative hearing | 324.00 |
| Public water system citation | 649.00 |
| Public water system NOV | 260.00 |
| State—local water system administration hearing | 324.00 |
| State—local water system citation | 519.00 |
| State—local water system NOV | 260.00 |
| Site transfer/site address change | 51.00 |
| Soft serve high count resample | 389.00 |
| Swimming pool service technician/apprentice exam and certification: | |
| Swimming pool service technician/apprentice exam | 184.00 |

| | |
|--|----------|
| Swimming pool service technician/apprentice technician certification renewal fee | 65.00 |
| Water sampling—commercial for USDA | 714.00 |
| Water supply yield: | |
| Water supply yield test—commercial | 1,038.00 |
| Water supply yield test—residential four (4) connections or less | 844.00 |
| Water supply yield test—residential each additional connections beyond four (4) | 519.00 |
| Water treatment system evaluation | 519.00 |
| Wells: | |
| Monitoring well construction (less than twenty-five (25) wells per parcel) | 519.00 |
| Monitoring well construction twenty-five (25) or more wells per parcel | 130.00 |
| Well construction (production, cathodic, irrigation) | 844.00 |
| Well destruction—or renovation (production, cathodic, irrigation) | 1,103.00 |
| Geothermal heat exchange well construction | 519.00 |

| | |
|-------------------------------|--------|
| Well application cancellation | 65.00 |
| Well site plan review | 584.00 |

[804010GCCC]

SECTION 16. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mark Ridley-Thomas
Chairman

ATTEST:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of July 9, 2013 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes
Supervisors Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

Noes
Supervisors None

Effective Date: August 8, 2013

Operative Date: _____

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
JOHN F. KRATTLI
County Counsel

By [Signature]
Richard D. Weiss
Chief Deputy County Counsel